

Chapter 291. Noise

[HISTORY: Adopted by the Town Council of the Town of Newington 2-23-1982 (§§ 6-30 to 6-38 of the 1974 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alarm devices — See Ch. 136.

§ 291-1. Declaration of policy.

Excessive noise must be controlled by the Town to protect, preserve and promote the public health, safety and welfare. The Town Council recognizes the fact that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare.

§ 291-2. Definitions.

As used in this chapter, the following words and terms shall have the meanings hereinafter set out:

BACKGROUND NOISE

Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

BUSINESS ZONE

Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

[1]

CONSTRUCTION

The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

DECIBEL

A unit of measurement of the sound level, the symbol for which is dB.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EXCESSIVE NOISE

Any sound, the intensity of which exceeds the standards set forth in § 291-6 of this chapter.

IMPULSE NOISE

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE

Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

[2]

INTRUSION ALARM

A device with an audible signal which, when activated, indicates intrusion by an unauthorized person.

MOTOR VEHICLE

A vehicle as defined in Subdivisions (25) and (26) of C.G.S. § 14-1, as amended.

NIGHTTIME HOURS

The hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning, and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

NOISE LEVEL

A frequency weighted sound pressure level as measured with a sound-level meter using the A-weighting network. The level so read is designated "dBA."

PERSON

Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES

Any building, structure, land, or portion thereof, including all appurtenances, owned or controlled by a person.

PROPERTY MAINTENANCE EQUIPMENT

All engine- or motor-powered tools and equipment used occasionally in the repair and upkeep of exterior property and including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, leaf blowers.

PUBLIC EMERGENCY SOUND SIGNAL

A device, either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property which demands immediate action.

PUBLIC FACILITY MAINTENANCE

All activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

RECREATIONAL VEHICLE

Any internal-combustion-engine-powered vehicle which is being used for recreational purposes.

RESIDENTIAL ZONE

Those zone districts listed in Section 2 of the Newington Zoning Regulations and shown on the Official Zoning Map adopted by the Town Plan and Zoning Commission.

[3]

SOUND

A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND-LEVEL METER

An instrument used to measure sound levels. A sound level meter shall conform, as a minimum, to the American National Standards Institute's operational specifications for sound level meters S1.4-1971 (Type S2A).

SOUND PRESSURE LEVEL

Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter (20×10^{-6} Newtons/meters²) and is expressed in decibels (dB).

TOWN MANAGER

The duly appointed Town Manager of the Town or his designee.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

§ 291-3. Exclusions.

This chapter shall not apply to noise emitted by or related to:

- A. Natural phenomena.
- B. The unamplified sound made by any wild animal.
- C. A bell or chime from any building clock, school or church.
- D. A public emergency sound signal.
- E. Farming equipment or farming activity.
- F. An emergency.
- G. Snow removal.
- H. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

§ 291-4. Exemptions.

The following shall be exempt from this chapter subject to the special conditions noted:

- A. Noise created by the operation of property maintenance equipment during daytime hours.
- B. Noise generated by any construction equipment operated during daytime hours.
- C. Noise created by any recreational activities which are sanctioned by the Town, including, but not limited to, parades, sporting events, concerts and fireworks displays.
- D. Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time and provided that a permit for such blasting has been obtained from state or local authorities.
- E. Noise created by refuse and solid waste collection, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.
- F. Noise created by a fire or intrusion alarm which, from time of activation of the audible signal, emits noise for a period of time not exceeding 10 minutes when such alarm is attached to a vehicle or 30 minutes when attached to any building or structure.
- G. Noise created by public facility maintenance during daytime hours.

§ 291-5. Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

- A. A person conducting sound measurements shall have been trained in the techniques and principles of sound-measuring equipment and instrumentation.
- B. Instruments used to determine sound level measurements shall be sound level meters as defined by this chapter.
- C. The following steps shall be taken when preparing to take sound-level measurements:
 - (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - (2) Measurements to determine compliance with § **291-6** shall be taken at a point that is located more or less one foot beyond the boundary of the emitter's premises and within the receptor's premises.

§ 291-6. Noise levels.

- A. Noise levels. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in this chapter.

B. Noise level standards.

- (1) No person shall emit noise exceeding the levels stated herein.

Zone in Which Emitter is Located	Zone in Which Receptor is Located			
	Industrial	Business	Residential Daytime Hours	Residential Nighttime Hours
	(dBA)	(dBA)	(dBA)	(dBA)
Industrial	70	66	61	51
Business	62	62	55	45
Residential	62	55	55	45

C. Background noise and impulse noise.

- (1) In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to this chapter shall emit noise in excess of 80 dBA at any time, and provided that this subsection shall not be interpreted as decreasing the noise level standards of this section.
- (2) No person shall cause or allow the emission of impulse noise in excess of 80 dBA peak sound pressure level during nighttime hours.
- (3) No person shall cause or allow the emission of impulse noise in excess of 100 dBA peak sound pressure level at any time.

D. Motor vehicle noise.

- (1) All motor vehicles operated within the limits of the Town shall be subject to the noise standards and decibel levels as set forth in the regulations of the State of Connecticut Department of Motor Vehicles, § 14-80a-1a(a-1), entitled "Maximum Permissible Noise Levels For Vehicles."
- (2) No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in this section.

E. Recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards in this section.

§ 291-7. Penalties for offenses.

- A. Any person in violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$50. In lieu of arrest and issuance of a summons, a police officer may serve upon a violator an infraction notice which shall be known as a "noise ticket." Payment of the fine prescribed by such noise ticket within the time limit specified thereon shall

constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited.

- B. Each day a violation continues after the time for correction of the violation has been given in an order shall constitute a continuing violation, and the amount of the fine shall be doubled for each day said violation continues, said fine not to exceed \$400 per day.

§ 291-8. Variances.

- A. Any person residing or doing business in Newington may apply to the Town Manager for a variance from one or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection's regulations for the control of noise, provided that the applicant supplies all of the following information to the Town Manager at least 20 days prior to the start of said activity:
 - (1) The location and nature of the activity.
 - (2) The time period and hours of operation of said activity.
 - (3) The nature and intensity of the noise that will be generated.
 - (4) Any other information required by the Town Manager.
- B. No variance from these regulations shall be issued unless it has been demonstrated that:
 - (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations.
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health.
 - (3) Compliance with this chapter constitutes an unreasonable hardship on the applicant.
- C. The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.
- D. Failure to rule on the application in the designated time shall constitute approval of the variance.